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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA,) NO. CR 17-403 EMC-2

14 Plaintiff,)

15 v.)

16 ANGELITO VASQUEZ MALLARI, a/k/a)
17 "ALVIN," and ALLELEA BALABIS)
CABILES,)

18 Defendants.)
19

STIPULATION TO EXCLUDE TIME AND
[PROPOSED] ORDER

20 **STIPULATION**

21 IT IS HEREBY STIPULATED, by and between the parties to this action, as stated on the record
22 at the status conference on October 23, 2017, that the time between October 23, 2017, and November
23 29, 2017, be excluded under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B).
24 Excluding time until November 29, 2017, will allow defense counsel the reasonable time necessary for
25 effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C.
26 § 3161(h)(7)(B)(iv). Such time is also excludable due to a delay caused by trial with respect to other
27 charges against the defendant. *Id.* § 3161(h)(1)(B).

28 //

1 IT IS SO STIPULATED.

2 DATED: October 30, 2017

BRIAN J. STRETCH
United States Attorney

3
4 /s/
JULIE D. GARCIA
5 Assistant United States Attorney

6 DATED: October 30, 2017

7
8 /s/
GILBERT EISENBERG
9 Counsel for Defendant
ANGELITO VASQUEZ MALLARI

10
11
12 **[PROPOSED] ORDER**

13 As explained on the record during the October 23, 2017, status conference, the Court finds that
14 the exclusion of the period from October 23, 2017, to November 29, 2017, from the time limits
15 applicable under 18 U.S.C. § 3161, is warranted; that the ends of justice served by the continuance
16 outweigh the interests of the public and the defendant in the prompt disposition of this criminal case;
17 and that the failure to grant the requested exclusion of time would unreasonably deny defense counsel
18 the reasonable time necessary for effective preparation, taking into account the exercise of due diligence,
19 and would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(A) and (B)(iv). Such time is
20 also excludable due to a delay caused by trial with respect to other charges against the defendant. *Id.*
21 § 3161(h)(1)(B).

22 IT IS SO ORDERED.

23
24 DATED: 11/6/17

